

Ordinance No. 121831

Council Bill No. 115280

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Sections 23.34.079 and 23.47.012; and amending Chapter 23.32 of the Seattle Municipal Code at Plats 36E, page 103, and 40E, page 111, of the Official Land Use Map to rezone areas within the Capitol Hill Urban Center Village from Lowrise 3 (L3), Lowrise 3/Residential Commercial (L3/RC), Midrise (MR), Midrise/Residential Commercial (MR/RC), and Neighborhood Commercial 3 with a 40' height limit (NC 3 40') to Neighborhood Commercial 3/Residential with a 40' height limit (NC 3/R 40').

CF No. _____

Date Introduced: <u>JUN - 6 2005</u>		
Date 1st Referred: <u>JUN - 6 2005</u>	To: (committee)	FULL COUNCIL
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>6-13-05</u>	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor: <u>6-14-05</u>	Date Approved: <u>6/20/05</u>	
Date Returned to City Clerk: <u>6/20/05</u>	Date Published: <u>SPP</u>	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

me email walk-on for 6/6/05

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Peter Steinbrueck **STEINBRUECK**

Councilmember

Committee Action:

6-13-05 9-0 Passed

This file is complete and ready for presentation to Full Council. Committee: _____
(initial/date)

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Law Department

Law Dept. Review

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ORDINANCE 121831

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BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended to rezone to Neighborhood Commercial 3/ Residential with a 40 foot height limit (NC3/R 40') certain properties located on Plats 36E, page 103, and 40E, page 111, of the official Land Use Map, as shown on Exhibit A attached to this ordinance.

Section 2. Section 23.34.079 of the Seattle Municipal Code, which section was adopted by Ordinance 117430, is amended as follows:

23.34.079 Neighborhood Commercial 3/Residential (NC3/R) designation.

A. Function. An area designated as NC3/R functions as an NC3 zone while maintaining existing residential uses and/or promoting increased residential development. These areas provide locations for moderate density residential development in single purpose and mixed use structures; limit single purpose commercial development; and encourage commercial storefronts built to the front property line.

B. NC3 zoned areas or areas that meet NC3 criteria may be ~~((designed))~~ designated NC3/R only under the following conditions:

1. ~~((a.))~~ Areas located inside urban center villages and the village core of hub urban villages, or



1 ((b.)) 2. Areas in a residential urban village characterized by a concentration of
2 small retail sales and service uses and residential support services, where it is desirable to
3 promote high density residential uses, ~~((; and~~

4 ~~2. The NC3/R designation is provided for in a neighborhood plan~~
5 ~~adopted or amended by the City Council after January 1, 1995.))~~

6 * * *

7
8 Section 3. Section 23.47.012 of the Seattle Municipal Code, which Section was last
9 amended by Ordinance 121782, is amended as follows:

10 **23.47.012 Structure height and floor area ratio**

11 A. Maximum Height. The maximum structure height for commercial zones shall be
12 thirty (30) feet, forty (40) feet, sixty-five (65) feet, eighty-five (85) feet, one hundred twenty-five
13 (125) feet, or one hundred sixty (160) feet, as designated on the Official Land Use Map, Chapter
14 23.32, except that:

15
16 1. Within the South Lake Union Hub Urban Village, the maximum structure
17 height in commercial zones with sixty-five (65) foot and eighty-five (85) foot height limits may
18 be increased to eighty-five (85) feet and one((-)) hundred ((and)) five (105) feet, respectively,
19 provided that:

20
21 a. a minimum of two (2) floors in the structure have a floor to floor height
22 of at least fourteen (14) feet; and

23 b. the additional height is used to accommodate mechanical equipment;
24 and

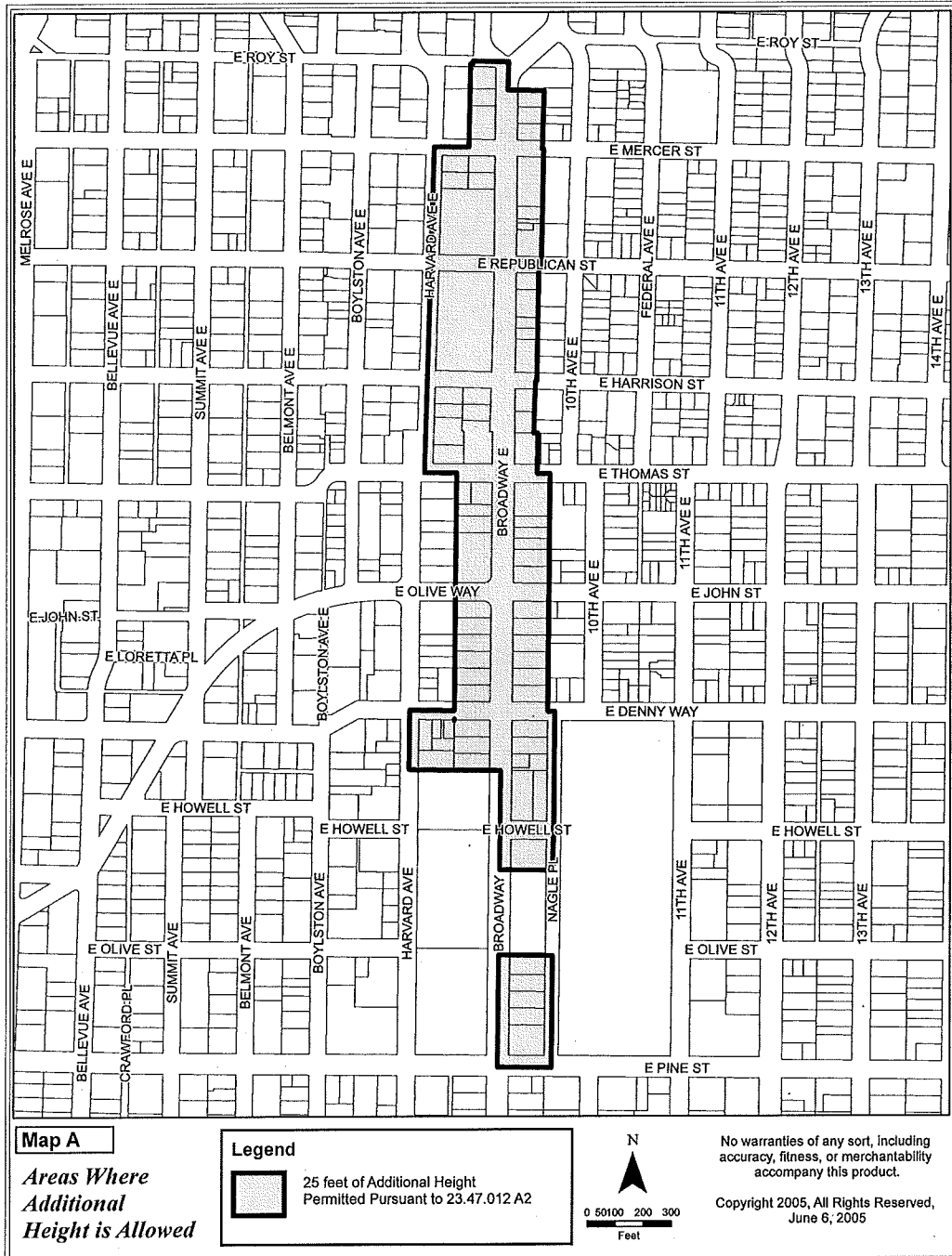
25 c. the additional height permitted does not allow more than six (6) floors
26 in commercial zones with a sixty-five (65) foot height limit, or more than seven (7) floors in
27
28

commercial zones with an eighty-five (85) foot height limit.

2. For any lot within the designated areas shown on Map A, the maximum structure height in commercial zones with a forty (40) foot height limit may be increased to sixty-five (65) feet, provided that portions of the structure above forty (40) feet contain only residential uses.

~~((2))~~3. Mixed use structures located in commercial zones with a thirty (30) foot or forty (40) foot height limit may exceed the height limit of the zone according to the provisions of Section 23.47.008.

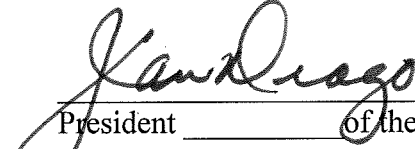
~~((3))~~4. Monorail transit facilities may exceed the height limit of the zone according to the provisions of Section 23.80.004 or Section 15.54.020.



Section 4. Severability. The several provisions of this ordinance are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

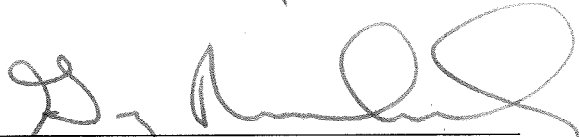
Section 5. This ordinance shall take effect and be in force beginning August 15, 2005.

Passed by the City Council the 13th day of June, 2005, and signed by me in open session in authentication of its passage this 13th day of June, 2005.



President _____ of the City Council

Approved by me this 20th day of June, 2005.



Gregory J. Nickels, Mayor

Filed by me this 20th day of June, 2005.

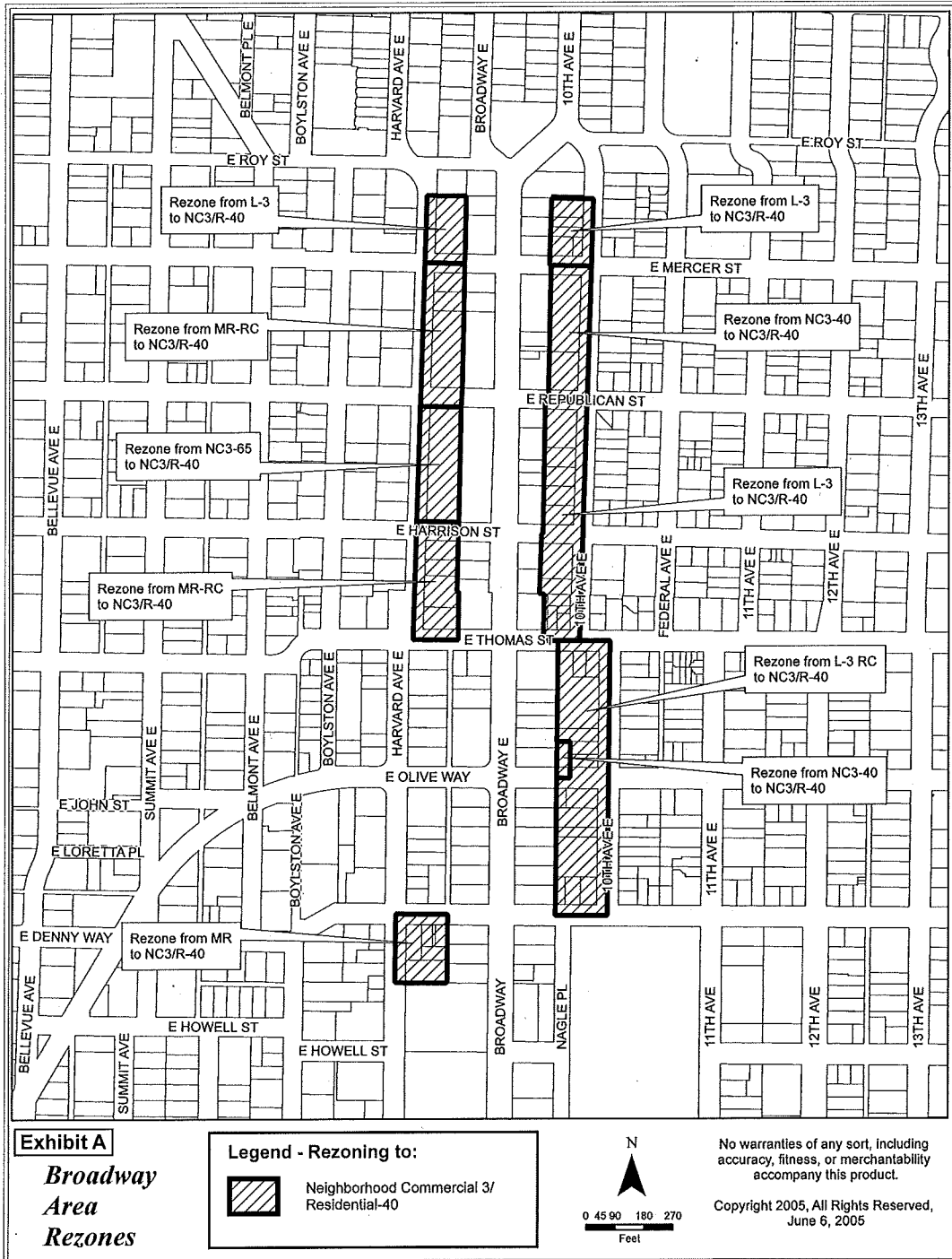


City Clerk

(Seal)

Exhibit A: Broadway Area Rezones

EXHIBIT A: BROADWAY AREA REZONES



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Ketil Freeman 4-8178	NA

Legislation Title:

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Sections 23.34.079 and 23.47.012; and amending Chapter 23.32 of the Seattle Municipal Code at Plats 36E, page 103, and 40E, page 111, of the Official Land Use Map to rezone areas within the Capitol Hill Urban Center Village from Lowrise 3 (L3), Lowrise 3/Residential Commercial (L3/RC), Midrise (MR), Midrise/Residential Commercial (MR/RC), and Neighborhood Commercial 3 with a 40' height limit (NC 3 40') to Neighborhood Commercial 3/Residential with a 40' height limit (NC 3/R 40').

• **Summary of the Legislation:**

This legislation rezones parcels primarily adjacent to Broadway within the Capital Hill Urban Center. The legislation generally raises the height limit of the underlying zone on the west side of Broadway and resolves many split zone situation. Parcels proposed to be rezoned are located generally between East Roy Street to the north and East Pine Street to the south.

• **Background:**

The proposed rezone is a portion of a larger piece of legislation advanced by the Executive to make changes to development regulations in the Capital Hill Urban Center. Other aspects of the Executive's proposal have been severed and are being considered as parts of separate legislation. The purpose of the proposed rezone is to facilitate redevelopment of underutilized parcels adjacent to Broadway and, thus, to revitalize the Broadway streetscape. Related legislation includes Resolution 30774.

• *Please check one of the following:*

 X **This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

FILED
CITY OF SEATTLE
05 JUL -7 AM 11:45
CITY CLERK

STATE OF WASHINGTON – KING COUNTY

--SS.

187150
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121831 ORDINANCE

was published on

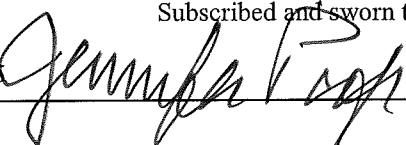
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The amount of the fee charged for the foregoing publication is the sum of \$ 556.50, which amount has been paid in full.

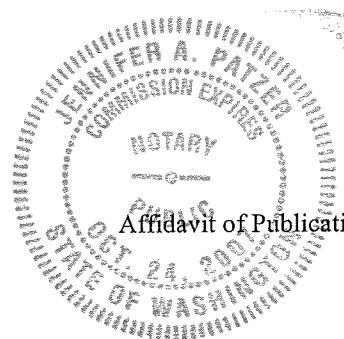


Subscribed and sworn to before me on

06/23/05



Notary public for the State of Washington,
residing in Seattle



Affidavit of Publication

City of Seattle

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2. The NC3/R designation is provided for in a neighborhood plan adopted or amended by the City Council after January 1, 1995.))

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and

c. the additional height permitted does not allow more than six (6) floors in commercial zones with a sixty-five (65) foot height limit, or more than seven (7) floors in commercial zones with an eighty-five (85) foot height limit.

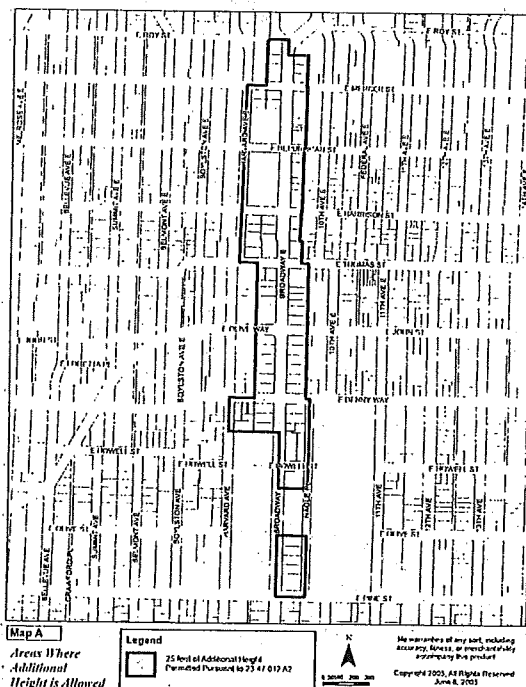
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according to the provisions of Section 23.80.004 or Section 15.54.020

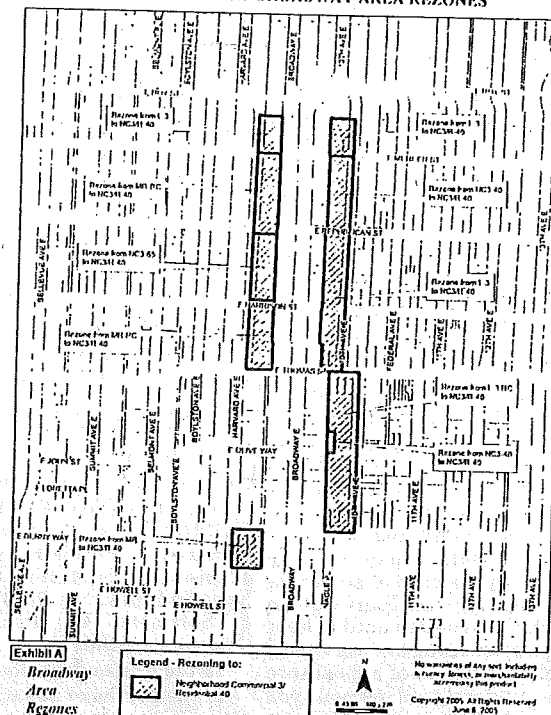
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EXHIBIT A: BROADWAY AREA REZONES



Passed by the City Council the 18th day of June, 2005, and signed by me in open session in authentication of its passage this 18th day of June, 2005.

JAN DRAGO,

President of the City Council.

Approved by me this 20th day of June, 2005.

GREGORY J. NICKELS,

Mayor.

Filed by me this 20th day of June, 2005.

(Seal) JUDITH PIPPIN,
City Clerk.

Publication ordered by Judith Pippin, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, June 23, 2005.

6/23/187150)